

REMARKS

Claims 143-147 were previously pending in this application. No claims have been cancelled, added, or amended. Thus, claims 143-147 remain pending for examination with claim 143 being an independent claim.

No new matter has been added.

Claim Rejections – 35 USC §112

Claims 143-147 have been rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement as including new matter. According to the office action, when viewed in their totality, in particular claim 143, the claims “do not enjoy written description support.” Applicant disagrees.

The invention is based, at least in part, on the finding that mitochondrial metabolism plays an important role in regulating cell division and death in various diseases, including cancer. It was discovered, according to the invention, that mitochondrial metabolism can be manipulated to treat diseases such as cancer (first paragraph of summary of the invention, page 4 lines 16-24). It is further taught that manipulation of the metabolism of the cell leads to changes in the regulation of cell surface molecules such as MHC class II (summary of the invention, page 5 lines 20-30). Immediately following that paragraph it is further taught that in aspects of the invention methods are provided for causing cell lysis of a tumor cell expressing MHC class II HLA-DR ligand by contacting a tumor cell with an MHC class II HLA-DR ligand (page 5 line 31- page 6 line 14). These teachings are presented in the summary of the invention. They do not constitute new matter. Rather, they encompass an important component of the invention and are adequately described in the specification. Original claim 1 is directed to this aspect of the invention. Original dependent claim 4 adds the limitation that the cell is a tumor cell. Original claim 8 adds the limitation that the HLA-DR ligand is an anti-MHC class II HLA-DR antibody.

CONCLUSION

In view of the above argument, applicant believes the pending application is in condition for allowance.

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